

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. _____

BEAR INVESTMENTS, LLC,)
)
Plaintiff,)
)
v.)
)
PENN NATIONAL MUTUAL)
CASUALTY INSURANCE	0
COMPANY,	0
	0
Defendant.)

**TO: United States District Court
Eastern District of North Carolina**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Pennsylvania National Mutual Casualty Insurance Company submits this Notice of Removal from the General Court of Justice, Superior Court Division, Cumberland County, North Carolina, in which the above-captioned matter is now pending, to the United States District Court for the Eastern District of North Carolina. In support of this Notice, defendant states as follows:

Procedural History

1. Plaintiffs filed its Complaint in the General Court of Justice, Superior Court Division, Cumberland County, North Carolina on or about 8 October 2019. The Plaintiff has not served a copy of the summons and complaint on the Defendant, but the Defendant obtained a copy of the Complaint on or about 29 October 2019 from the Cumberland County Clerk of Superior Court. A copy of all process, pleadings, and orders filed in State Court is attached hereto as Exhibit A pursuant to 28 U.S.C. § 1446(a).

Parties

2. Upon information and belief, Plaintiff is a limited liability company organized under the laws of the State of North Carolina with a principal office and registered office located in Stedman, North Carolina.
3. Upon information and belief, all of member/managers of Bear Investments, LLC are citizens and residents of the State of North Carolina.
4. Defendant is a corporation having its place of incorporation and principal place of business in Pennsylvania.
5. Based upon the foregoing, complete diversity exists between the parties.

Jurisdiction

6. This Court has subject matter jurisdiction over the action pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of different states, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

Basis for Removal

7. This court has subject matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332. Venue is proper pursuant to 28 U.S.C. § 1441(a) because this is the federal district court for the district embracing the place where the State Court action is pending.
8. This Notice of Removal is filed with the Court within thirty (30) days of Defendant obtaining a copy of the Plaintiff's Complaint from the Cumberland County Clerk of Court on or about 29 October 2019, which is the pleading from which Defendant could first ascertain that the case had become removable pursuant to 28 U.S.C. § 1446(b)(3).

9. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff, by and through its attorney of record, and is being filed with the Clerk of Court of the General Court of Justice, Superior Court Division, Cumberland County, North Carolina.

WHEREFORE, Defendant files this Notice of Removal so that the entire State Court action under No. 19 CVS 6109, currently pending in the General Court of Justice, Superior Court Division, Cumberland County, North Carolina be removed to this Court for all further proceedings.

This 21st day of November, 2019.

Respectfully submitted,

GOLDBERG SEGALLA LLP

/s/ John I. Malone, Jr.

John I. Malone, Jr.

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*Attorney for Defendant Pennsylvania National
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TO: Mr. Timothy C. Smith, NCSB 37060
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered participants as identified on the Notice of Electronic Filing (NEF).

I hereby further certify that a true and correct copy of the foregoing was served upon the following-named person on the 21st day of November, 2019, via email and regular mail, postage prepaid:

Mr. Timothy C. Smith,
YARBOROUGH, WINTERS & NEVILLE, P.A.
P.O. Box 705
Fayetteville, NC 28302
Phone: (910) 433-4433
Email: timsmith@ywnlaw.com

This 21st day of November, 2019.

GOLDBERG SEGALLA LLP

/s/John I. Malone, Jr.

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